

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:11-CR-12-1H
NO. 4:11-CR-12-2H

UNITED STATES OF AMERICA)
)
 v.)
)
NABIL NAFIZ MUSTAFA)
EMAD HASAN TAWFIQ WSHAH)

SECOND AMENDED FINAL ORDER OF FORFEITURE

WHEREAS, on April 8, 2011, this Court entered Preliminary Orders of Forfeiture pursuant to the provision of 18 U.S.C. § 981(a)(1)(c) (as made applicable by 28 U.S.C. § 2461(c), and Title 26, United States Code, Section 7302, based upon the defendants pleading guilty to 18 U.S.C. § 371, and agreeing to the forfeiture of the property listed in the April 8, 2011 Preliminary Orders of Forfeiture, to wit:

- 1) SunTrust Bank Account 373096112 in the name of Nabil Mustafa;
- 2) SunTrust Bank Account 1000109131721 in the name of Z Tobacco and Nabil Mustafa.
- 3) SunTrust Bank Account 1000109131705 1 in the name of Z Tobacco and Nabil Mustafa.
- 4) SunTrust Bank Account 1000109131739 in the name of Z Tobacco 2 and Nabil Mustafa.

5) East Carolina Bank Account 34178112 in the name of Mike's Floor Covering and Mamoun Wshah.

6) East Carolina Bank Account 34178106 in the name of Mamoun Wshah and another.

7) RBC Bank Account 0222029714 in the name of Sam's Variety & Discount.

8) Bank of America Bank Account 237008694469 in the names of other known individuals.

9) 1999 Ferrari F355 Spider VIN# ZFFXR48A4X0113695, not registered, but owned by another known individual.

10) 2008 BMW X-5, VIN# 5UXFE83558L098534, not registered, but owned by another known individual.

11) 2009 Chevrolet Tahoe VIN# 1GNFC33019R107363, North Carolina License Plate Number , registered in the name of another known individual.

12) 2010 Ford F-150, black in color, VIN: 1FTFW1CV5AFC81961, not registered, but owned by another known individual.

13) 2004 BMW 745LI, Unknown VIN, white in color, not registered, but owned by Nabil Mustafa.

14) 2008 Mercedes Benz CLS 55, unknown VIN, black in color, not registered, but owned by Nabil Mustafa.

15) 2005 Chevrolet Silverado, VIN: 1GCHC29U05E251848, North Carolina Registration Number XXX 3128, registered to Mamoun Wshah.

16) 2004 Nissan Titan, VIN: 1N6AA07B24N513636, North Carolina Registration Number TNR 6813, registered to Mamoun Wshah.

17) 2003 Cadillac Escalade, VIN: NY67666, Wisconsin Registration Number 629 RZS, registered to another known individual.

18) 2005 Honda Pilot, VIN: 5FNYF18695B008302, North Carolina Registration Number TNY 1077, registered to Sobhi Shehadeh.

Currency:

\$2,463,529.80 in U.S. currency, an amount not currently in the possession of or its whereabouts known to the Government;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between May 14, 2011 and June 12, 2011, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the United States advises that the bank accounts listed as Items 2, 3 and 4 in the April 8, 2011 Preliminary Orders of Forfeiture are not being pursued for forfeiture;

AND WHEREAS, the United States advises that the vehicles listed as Items 13, 14, 15, 16, 17 and 18 in the April 8, 2011 Preliminary Orders of Forfeiture are not being pursued for forfeiture;

AND WHEREAS, the United States requests that the Preliminary and Final Orders of Forfeiture be vacated in respect to Bank of America Bank Account 237008694469 in the names of other known individuals, as listed in subparagraph h of the Final Order of Forfeiture and subparagraph 8 of the Preliminary Orders of Forfeiture;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for the property described in this Court's April 8, 2011 Preliminary Orders of Forfeiture, other than those specifically mentioned herein;

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the following properties listed in the April 8, 2011 Preliminary Orders of Forfeiture are hereby forfeited to the United States, to wit:

a) SunTrust Bank Account 373096112 in the name of Nabil Mustafa;

b) East Carolina Bank Account 34178112 in the name of Mike's Floor Covering and Mamoun Wshah.

c) East Carolina Bank Account 34178106 in the name of Mamoun Wshah and another.

d) RBC Bank Account 0222029714 in the name of Sam's Variety & Discount.

e) 1999 Ferrari F355 Spider VIN# ZFFXR48A4X0113695, not registered, but owned by another known individual.

f) 2008 BMW X-5, VIN# 5UXFE83558L098534, not registered, but owned by another known individual.

g) 2009 Chevrolet Tahoe VIN# 1GNFC33019R107363, North Carolina License Plate Number, registered in the name of another known individual.

h) 2010 Ford F-150, black in color, VIN: 1FTFW1CV5AFC81961, not registered, but owned by another known individual.

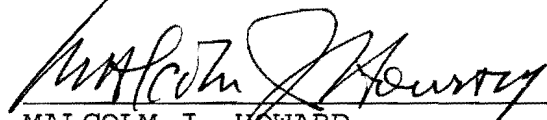
2. That the forfeiture of the Bank of America Bank Account 237008694469 in the names of other known individuals, as described in subparagraph 8 of the Preliminary Orders of Forfeiture, is vacated.

3. That the United States Department of Justice is directed to dispose of the forfeited property according to law.

4. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 20th day of July, 2012.


MALCOLM J. HOWARD
SENIOR UNITED STATES DISTRICT JUDGE